

1 JOINTLY SUBMITTED

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14 UNITED STATES DISTRICT COURT
15 DISTRICT OF NEVADA
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17 KATHLYN ROSE MERCADO TALABA,
18 individually;

19 Plaintiff,
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21 vs.
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23 CHARLOTTE MARIA JONES, individually;
24 FOX RENT A CAR, INC., a California
Corporation; DOES I-X; and ROE
25 CORPORATIONS I-X, inclusive,

26
27 Defendants.
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CASE NO:

JOINT NOTICE OF REMOVAL

JOINT NOTICE OF REMOVAL TO FEDERAL COURT

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JOINT NOTICE OF REMOVAL

To: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Defendants Fox Rent Car, Inc. and Charlotte Maria Jones, hereby notice the removal of this action to the United States District Court and, in support thereof, states as follows:

1. On or about February 20, 2017, Plaintiff commenced an action in the Eighth Judicial District Court, Clark County, Nevada, entitled *Kathlyn Rose Mercado Talaba v. Charlotte Maria Jones, Fox Rent A Car, Inc.*, Case No. A-17-751367-C. A copy of the Complaint is attached as Exhibit A. In the Complaint at ¶1, Plaintiff alleges that Plaintiff is a resident of the State of Nevada. Plaintiff filed a Demand for Jury Trial. Exhibit B.

2. Service of Summons and Complaint upon Defendant Fox Rent A Car, Inc., a California Corporation, was made by personal service on March 8, 2017. A copy of the Proof of Service, is attached as Exhibit C. The Complaint alleges that Fox Rent A Car, Inc. is a California Corporation. Information on file at the Nevada Secretary of State confirms that Defendant Fox Rent A Car, Inc. is a California Corporation. Exhibit D.

3. Service of Summons and Complaint upon Defendant Charlotte Maria Jones was made by personal service on March 8, 2017. A copy is attached as Exhibit E. Service was made on Defendant Jones at her home in San Bernardino, CA.

4. On March 28, 2017, Defendant Charlotte Jones filed an Answer to the complaint. Exhibit F. In addition, she filed a Demand for Jury Trial. Exhibits G.

5. On March 30, 2017, Plaintiff served a Request for Exemption from Arbitration claiming that her medical special damages currently totaled \$37,509.06 and that her medical expenses significant and that she anticipated that she would incur future costs of treatment.

6. No further proceedings have been had in this matter in the Eighth Judicial District Court, Clark County, Nevada.

1 7. This Court has original jurisdiction over the subject matter of this action
2 pursuant to 28 U.S.C. §1332. Further, this matter is one that may be removed to this
3 Court pursuant to 28 U.S.C. §1441 because it is a civil action that is between citizens of
4 different states and in which the amount in controversy exceeds \$75,000, exclusive of
5 interest and costs.

6 8. Plaintiff alleges in her Complaint that she was and is, at all times relevant
7 therein, a resident of Clark County, Nevada.

8 9. Defendant Fox Rent A Car, Inc. is a California Corporation, doing
9 business in Nevada.

10 10. Defendant Charlotte Maria Jones is a resident of California.

11 11. DOES I-X and ROE CORPORATIONS I-X are named and sued fictitiously
12 and their citizenship is disregarded as a matter of law for purposes of removal on
13 grounds of diversity jurisdiction.

14 12. There is now complete diversity between Plaintiff and Defendants Fox
15 Rent A Car, Inc. and Charlotte Maria Jones.

16 13. The Complaint alleges claims for Negligence Against Defendant Charlotte
17 Maria Jones, Negligence Per Se Against Charlotte Maria Jones, Negligent Entrustment
18 Against Defendant Fox Rent A Car, Inc.

19 14. In her Complaint, Plaintiff prays for recovery of general and special
20 damages, in an amount in excess of Ten Thousand Dollars (\$10,000.00); including
21 general damages, special damages, property damages, attorney's fees and costs, ,
22 interest at the statutory rate, and for such other and further relief as the Court deems
23 just and proper.

24 15. In her Request for Exemption from Arbitration, Plaintiff claims that her past
25 medical special damages total \$37,509.06. She claims that she suffered significant
26 medical expenses and that she anticipates future costs of treatment. She received
27 Emergency Room care in excess of \$11,000 and reports that she has undergone Left
28 Selective Nerve Root Blocks at the C6 level performed by Dr. Rosler. Thus, based on

1 the allegations in the complaint and the representations made by the Plaintiff, the value
2 of the amount in controversy exceeds \$75,000.00.

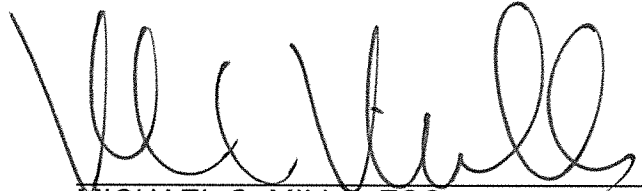
3 16. More than 30 days have not passed since the lawsuit was served on
4 either of the Defendants.

5 17. A true and correct copy of this Notice of Removal is being filed on this
6 date with the Clerk of the Eighth Judicial District Court, Clark County, Nevada.

7 Based on the foregoing, Defendants Fox Rent A Car, Inc., and Charlotte Jones
8 join in removing the above-referenced action now pending in the Eighth Judicial District
9 Court, in and for the County of Clark, as Case No. A-17-751367-C to this Court.

10 Dated this 7th day of April 2017.

11 BAUMAN LOEWE WITT & MAXWELL, PLLC.

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1 _____
A Complaint.

2 B Plaintiff's Demand for Jury Trial.

3 C Proof of Service on Defendant Fox Rent A Car, Inc.

4 D Fox Rent A Car, Inc. Corporate Information, Nevada Secretary of State.

5 E Proof of Service on Defendant Charlotte Maria Jones.

F Defendant Jones' Answer to Complaint.

6 G Demand for Jury Trial.

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